

BIGFORK LAND USE ADVISORY COMMITTEE
Approved Minutes Thursday October 27, 2022
4:00 PM Bethany Lutheran Church – Downstairs Meeting Room

Chairwoman Susan Johnson called the meeting to order at 4:01p.m.

Present: Committee member attendees: Angela DeFries, Jerry Sorensen, Shelley Gonzales, Chany Ockert, Susan Johnson; absent Lou McGuire, Richard Michaud; Public: 8 members; Flathead Planning and Zoning: Erin Appert, Zachary Moon.

The agenda was approved (m/s, Ockert/Gonzales), vote unanimous.

Minutes of the August 25, 2022, meeting were approved (m/s, Sorensen/DeFries), vote unanimous.

Administrator's Report and Announcements:

Sign-in sheet passed around. Approved minutes and documents are posted on the County website: flathead.mt.gov/planning_zoning. Click on [meeting information](#). Gonzales presented the status of most recent application: FZC-22-06 was denied by the Board of Adjustment.

Sorensen reported on Bigfork Outdoor Recreational Alliance (BORA) a multi-organization group supporting trail access throughout the area. They will be meeting on November 16th 6-8 p.m. in the Community Room at Bigfork High School.

Public Comment:

None

Application:

FZV-22-09 A request from Zacharia Guenzler for a variance to Section 3.07.040(3)(A) and to Section 3.07.040(5) of the Flathead County Zoning Regulations (FCZR), to the front yard setback requirements and permitted lot coverage. The subject property is zoned *SAG-10 (Suburban Agricultural)* and is located at 586 Wolf Creek Drive, Bigfork, MT within the Bigfork Zoning District.

Staff Report:

Erin Appert presented the staff report. There are two lots with an agricultural structure proposed for the second, undeveloped lot. There were no public comments submitted. Applicant has been approved for a grant from the Veteran's

Association to make adaptive additions to the home. Road Department commented that there is an issue with the setback requirement, but it probably will not be detrimental to traffic and snow removal.

Q. Johnson: What is the size of the existing home and when was it built? Appert deferred to the applicant. A. Guenzler. About 620 square feet and it was built in 1970.

Q. Sorensen: Where is the drain field for the house? A. Guenzler: It is across the street.

Q. Sorensen: With the addition will the Health Department need to revisit the septic system? A. Guenzler: No, it was overbuilt for the size of the house; built for a 4-bedroom house.

Q. Johnson: There is a shed on the property, correct? A: Guenzler: Yes, and it will be taken down. The shed is not where I will do the addition.

Applicant Report:

Zacharia Guenzler stated that he is retired from the US Marine Corps, and he is not asking for this consideration for any financial gain. His family is third generation Bigfork residents, and he would like to adapt his home to meet his unique needs. It is difficult for him to get around in his home. He was awarded an adaptive housing grant from the VA, and is asking for the bare minimum to adjust his home to their guidelines.

Q. Gonzales: Did you know when bought the property there would be significant building restrictions due to the size of the lots? A. Guenzler: No, I was under the impression that I would be able to make the additions. I was not told there would be limitations.

Q. Gonzales: In the documents I read you need to build the Agricultural building/barn of the proposed size to create a minimum combined footprint to qualify for this grant? A. Guenzler: No, if the barn is denied I can still get the grant for the house addition. I was advised to ask for everything.

Q. Gonzales: If that is not the case, then could you build a smaller building on that lot that would not violate the zoning setback/lot coverage requirement? A:

Guenzler: Yes

Q. Sorensen: What will the barn be used for? A. Guenzler: I want a greenhouse on one side and the building can double as a garage and woodshop. The size of the space is needed for wheelchair access.

Q. Sorensen: What is the size of the barn? There was no answer.

Q. DeFries: The proposed barn is right along the road; will that create a visibility issue for getting in/out of the barn? A. Guenzler: No.

Public Agency Comments:

None

Public Comments:

John Venteicher-24 Carly Lane, Bigfork: The parking and storage space is reasonable. It appears that he is asking for the bare necessities.

Staff Reply:

None

Applicant Reply:

None

Committee Discussion:

None

Findings of Fact:

Ockert moved to adopt the Findings of Fact, DeFries seconded. Gonzales was concerned that Finding of Fact #7 might result in exposing BLUAC to any liability if the Finding of Fact was adopted and there was an accident at that location. The motion carried unanimously.

Committee Discussion and Vote:

Sorensen stated that the proposed Agriculture building is set back further from the road than the house by several feet and the area is level so there is space for snow removal. Ockert stated that this application is why variances exist.

Ockert moved to forward a recommendation to the Board of Adjustment to approve FZV-22-09. DeFries seconded the motion, motion carried unanimously. The application will be considered by the Board of Adjustment on Tuesday, November 1, 2022, at 6 p.m. in the second-floor conference room of the South Campus Building located at 40 11th Street West, Kalispell.

Application:

FZC-22-19 A zone change request from Sands Surveying, Inc., on behalf of Sarah N. Sullivan, for property within the Echo Lake Zoning District. The proposal would change the zoning on a parcel of land located at 14 McCaffery Lake Lane, Bigfork, MT from *AG-40 (Agricultural)* to *SAG-5 (Suburban Agricultural)*. The total acreage involved in the request is 54.35 acres.

Staff Report:

Zachary Moon presented the staff report. The zone change from AG-40 to SAG-5 could create 8 additional lots.

Q. Gonzales: If the application states they want to divide the property via a Family Transfer, why are they requesting a zone change from AG-40 to SAG-5? A.

Moon: The AG-40 zoning is not adequate for them to subdivide the 54 acres into even two lots.

Q. Sorensen: The zone change would create 10 lots; how many family transfers are needed? A. Moon: Maybe two, but we look at full build out at the requested SAG-5.

Q. Gonzales: Then a SAG-10 zoning could be appropriate for their need? A. Moon: Yes.

Q. Sorensen: If this is a Family Transfer there is no requirement for road improvement? A. Moon: Correct. At the site visit I saw there was a fire safety issue with the road.

Q. Gonzales: With a SAG-5 zone does the road need to be improved? A. Moon: No.

Q. Johnson: The topography being so steep, would these be buildable lots? A. Moon: I did not walk the property so I do not know what would be buildable.

Applicant Report:

Donna Valade of Sands Engineering presented for the applicant. This is for a family transfer and there are not that many lots being proposed. There are other properties zoned SAG-5 in the district and this conforms to the agricultural designation in the Bigfork Neighborhood Plan. The property has constraint issues including wetlands, floodplains, and steep slopes. With SAG-5 zoning there will be a DEQ review for water quality, storm water, septic and well placements away from the lakes. With the SAG-5 designation they might not be able to create that many lots. We do not agree with a SAG-10 zoning.

Q. Ockert: When do you plan on building on these lots? A. Sullivan (applicant): My sister is remodeling on the property; property was deeded to me and my sister. Comments by Valade: There is an existing single-family dwelling on the property. Any new development on the property would not be until next year or the year after.

Sorensen commented that this property is totally unsuitable for SAG-5 zoning, especially with the road. AG-20 and three lots would be more appropriate. The property has high ground water, lake, and slope problems.

Moon commented that the property is 54 acres so AG-20 would not create 3 lots.

Sorensen stated that AG-20 would create 2 lots, one for each sibling and through Family Transfer the issues of the road, fire, and emergency service would not need to be resolved.

Valade stated that there are existing parcels of SAG-5 in the area.

Public Agency Comments:

None

Public Comments:

None

Staff Reply:

None

Applicant Reply:

None

Committee Discussion:

DeFries stated that SAG-10 zoning could be considered by the applicant. Ockert to Moon, a letter was sent to Bigfork Fire, did they respond? A. Moon: No.

Sorensen stated that there are four Findings of Facts that state the request does not comply with the request for the zone change and if we adopt the Findings of Facts, we are not allowing the zone change. I go along with staff's conclusion that the application does not comply. Valade disagreed with Sorensen's assessment.

Findings of Fact:

Sorensen moved to adopt the Findings of Fact; motion was seconded by Gonzales. Motion passed unanimously.

Committee Discussion and Vote:

Sorensen moved to forward a recommendation to the Planning Board to deny FZC-22-19. Gonzales seconded the motion and stated that a Family Transfer was the right way for the applicant to divide the property. DeFries, Sorensen, Gonzales and Johnson voted to recommend denial, Ockert was opposed. Motion passed 4 to 1.

Ockert moved that the applicant consider a SAG-10 zoning; seconded by DeFries, motion carried unanimously.

FZC-22-19 will be considered by the Planning Board on Wednesday, November 9, 2022, at 6 p.m. in the second-floor conference room of the South Campus Building located at 40 11th Street West, Kalispell.

Application:

FPP-22-27 A request from Larsen Engineering and Surveying, on behalf of Mallery Knoll and Dylan Simac, for preliminary plat approval of Knoll Stone Subdivision, a proposal to create three (3) residential lots on 41.83 acres. The proposed lots would be served by individual wells and septic systems. The property is located at 54 and 55 Carly Lane, Bigfork, MT.

Staff Report:

Zachary Moon presented the staff report.

Q. Gonzales: Why is this a major subdivision when there are only three lots? A.

Moon: The tract of land was originally 10 lots; therefore, it is a major subdivision.

Q. Gonzales: The staff report states that there will be 4 homes on 3 lots, is that correct? A. Moon: Yes, lot number one already has a house and cabin on it.

Applicant Report:

Ardis Larsen of Larsen Engineering represented the applicant. Originally it was a 10-lot subdivision in 2003, in 2005, 5 lots were aggregated in to 3 lots. The one 20-acre lot has a home and a cabin on it. Larsen showed the location of the buildings on the 20-acre lot.

Q. Sorensen: Is this being approved for single family dwellings? A. Moon: As SAG-5 zoning, these would be residential lots. SAG-5 will allow a single family residence, an accessory dwelling unit, and guest house.

Public Agency Comments:

None

Public Comments:

Kirk Steinle-16 Carly Lane, Bigfork: I live across Carly Lane from the proposed subdivision. I am concerned that the additional development might obstruct views. Concerned about the increase in traffic. Prefer that the road is not paved as it is of little benefit to the other residents. A wetland on one of the lots is used by waterfowl and provides esthetic value. A prior owner may have established a conservation easement on the 20-acre lot.

Gonzales referred to Finding of Fact #12 regarding impacts on roads and asked Mr. Steinle to clarify to what roads he was referring. Sorensen concurred that it was uncertain what roads would be paved. Moon clarified based on the map what areas would be paved. Paving would be paid for by developer.

John Venteicher-24 Carly Lane, Bigfork-stated he is concerned about further subdividing and more lots being created increasing density.

Maryann Steinle-16 Carly Lane, Bigfork-is the 15-acre lot approved for one septic?

Staff Reply:

SAG-5 zoning is the minimum acre size in the subdivision. Other restrictions might be based on DEQ requirements. The property owner might need to go through another subdivision process if they wanted to divide lots.

Applicant Reply:

Larsen stated that only one septic approved for lot 1 and 3. But lot 2 might be able to have 3, they already are using 2 approved septic systems. The subdivision was aggregated in March of 2005. There is no conservation easement deeded on the property.

Committee Discussion:

Sorensen ask the public to show on the map their property locations relative to the subdivision. He asked why they were opposed to paving parts of Carly Lane.

Property owner stated increased speed, traffic, and connectivity to future subdivisions.

Findings of Fact:

Ockert moved to adopt the Findings of Fact; Gonzales seconded the motion. Motion carried unanimously.

Ockert moved to approve the Conditions of Approval. Gonzales asked to add Conditions of Approval #22: The proposed lots cannot be further subdivided. After discussion, Gonzales withdrew proposed Conditions of Approval #22. Sorensen added that this subdivision could not go through a Family Transfer. Sorensen seconded the motion to approve the Conditions of Approval, motion passed unanimously.

Committee Discussion and Vote:

Sorensen stated that his proposal seems very logical.

Ockert moved to forward a recommendation to the Planning Board to approve FPP-22-27; DeFries seconded the motion. Ockert added she is not opposed to this subdivision. However, this area of Ferndale was traditionally an area for more affordable and attainable housing. The lot size of these lots does not alleviate the housing crisis in Bigfork. The motion passed unanimously.

FPP-22-27 will be considered by the Planning Board on Wednesday, November 9, 2022, at 6 p.m. in the second-floor conference room of the South Campus Building located at 40 11th Street West, Kalispell.

Old Business:

None

New Business:

None

Adjourn:

Sorensen moved to adjourn, DeFries seconded, motion passed unanimously at 5:31p.m.

Respectfully submitted by:

Shelley Gonzales, member and acting recording secretary